



GIG
CYMRU
NHS
WALES

Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board



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| | | Agenda Item | 2.2 (vi) |
| Freedom of Information Status | | Open | |
| Reporting Committee | Mental Health Legislation Committee | | |
| Author | Claire Mulcahy, Corporate Governance Manager | | |
| Chaired by | Stephen Spill, Vice Chair | | |
| Lead Executive Director (s) | Christine Williams, Interim Director of Nursing and Patient Experience | | |
| Date of last meeting | 04 February 2021 | | |
| Summary of key matters considered by the committee and any related decisions made. | | | |
| Mental Health Act (MHA) 1983 Monitoring Report; The committee received an update on performance against the MHA. During the period, there had been <i>twenty-three exceptions</i> and <i>no invalid detentions</i> identified by the department. There were three admissions to an adult acute ward for those under the age of 18 due to capacity issues within the Ty Llidiard facility. Due to COVID-19 restrictions, Healthcare Inspectorate Wales had not undertaken any site visits since the end of 2019 but had introduced remote quality assessment checks. The review of the Mental Health Act 1983 was ongoing; the White Paper had been published and was out for consultation until the 31 st April 2021. The review includes that of key areas such as; care and treatment plans, care treatment orders, the interface with the Mental Capacity Act and the abolishment of the Associate Hospital Managers. It was advised that as this affects key ways of working, the health board would need to respond from an organisational perspective. | | | |
| Mental Health Measure 2010 Monitoring Report; The overall performance against the measure was on or above target for all four areas. Welsh Government had commended performance and it was recognised that the health board was one of the few services across Wales to establish virtual 1:1 and group therapy sessions very early on. Members were advised that the blended approach to therapy would continue. | | | |
| Care and Treatment Planning Update; Members were provided with an update on progress within the three CTP action plans. There were some outstanding recommendations within each of the locality plans but members were assured that a robust framework was now in place, alongside an audit approach to monitor CTP compliance against the standards. The data from the quality audit would aid the development to new actions plans to address the issue. Findings of the audit would be presented to committee in September 2021. | | | |
| Key risks and issues/matters of concern of which the board needs to be made aware: | | | |
| Mental Capacity Act 2005 (MCA) and Deprivation of Liberty Safeguards Update (DoLS); | | | |

Mental Capacity Act 2005 – The Independent Mental Capacity Advocate Service (IMCA) had reported a consistent level of referrals despite the pandemic. The Safeguarding training levels on the Morriston site were raised but members were assured that training continues but staff release due to the busyness of the site was difficult. The Safeguarding plan for the next year included an arrangement for ward audits in relation to MCA, DoLS and complaints and action plans would be developed following these audits.

DoLS - Members were updated on the DoLS quarter 3 position and advised there had been 174 referrals of which the dedicated best interest assessors (BIA'S) had completed 24. Although the number of breaches had reduced, most breaches were due to the continuing lack of assessors and COVID-19 restrictions. A funding bid submission of £15k had been approved by Welsh Government and this would be used to contribute to overtime for staff and external BIA assessors to address breaches. There were 23 court of protection cases managed by Legal and Risk on behalf of the health board.

Members agreed that the Board needed awareness of the lack of capacity with BIAs and links to non-compliance with the legislation. Further discussion was needed with Executive colleagues in regards to a sustainable model going forward. .

High Court Judgement - Members were informed of a recent high court judgement in relation remote/virtual mental health act assessments. The judgement stated that assessments in person were critical and virtual assessments could no longer take place. A question had been raised as to whether assessments that had already taken place virtually were in fact legal and a conclusion on this would be in due course.

Delegated action by the committee:

None identified.

Main sources of information received:

As above.

Highlights from sub-groups reporting into this committee:

None identified.

Matters referred to other committees

None identified.

Date of next meeting

06 May 2021